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**Pro Hac Vice Application To Be Filed**

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**Pro Hac Vice Application To Be Filed**

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON – PORTLAND DIVISION**

LINDA STRICKER and STEVE  
THOMPSON, individuals,

Plaintiffs,

v.

LEGACY HEALTH, a Domestic Nonprofit  
Corporation; DOES 1 through 30, inclusive,

Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES FOR:**

1. Invasion of Privacy
2. Negligence
3. Negligent Hiring, Retention and Supervision

**AND DEMAND FOR JURY TRIAL**

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1 Plaintiffs Linda Stricker and Steve Thompson (“Plaintiffs”) allege, on personal knowledge  
2 as to themselves, and on information and belief as to others, as follows:

3  
4 **PARTIES AND JURISDICTION**

5 1. Plaintiffs Linda Stricker and Steve Thompson are the loving parents of former  
6 Legacy Health patient Seth Robert Thompson who died of his burns and injuries following a  
7 horrific apartment fire on July 4, 2021.

8 2. Regarding this Court’s jurisdiction: Plaintiff Linda Stricker is, and at all times  
9 mentioned in this complaint was, a citizen of the State of Georgia. Plaintiff Steve Thompson is, and  
10 at all times mentioned in this complaint was, a citizen of the State of Louisiana. Defendant Legacy  
11 Health is a citizen of the State of Oregon and it is, and at all times mentioned in this complaint was,  
12 an Oregon Domestic Nonprofit Corporation that owns and operates Legacy Emanuel Medical  
13 Center (hereinafter “Legacy Medical Center”), a hospital treating patients in Portland, Oregon. The  
14 amount of controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.  
15 Therefore, jurisdiction is proper in this Court pursuant to 28 U.S. Code Sec. 1332.

16 3. Plaintiffs are currently ignorant of the true names of Defendant Employee(s) who  
17 took and distributed the images of Decedent Seth Robert Thompson, and the true names of the  
18 Defendant Employees who had a duty to supervise these employee(s) but failed to do so.  
19 Therefore, Plaintiffs name them by the fictitious names of DOES 1-30 and further allege that DOES  
20 1-30 were either agents, or employees, or directors or managers of each named Defendant, and  
21 were in the course and scope of their agency or employment at the time of the wrongful conduct.  
22 Plaintiffs will seek leave to amend this complaint to substitute the true names of these Defendants  
23 when ascertained.

24 Plaintiffs further allege as follows:

25  
26 **INTRODUCTION**

27 4. On July 4, 2021, a fire started at a 16-unit apartment building in Portland. The fire  
28 spread to wooden stairwells and engulfed two central skywalks. The fire forced Seth Robert

Thompson, and his girlfriend, to jump approximately 30 feet from the upper skywalk to the ground after being awakened around 3:30 am by smoke and neighbors' yells. Seth Robert Thompson was very gravely injured by both burns and the fall and was taken to Legacy Medical Center for emergency treatment. Tragically, Seth Robert Thompson died from his injuries and burns. He was 31 years old.

5. The medical standard of care, and the standard of common human decency, required Legacy Health to treat Seth Robert Thompson with dignity at all times.

6. Instead, on July 4 and 8, 2021, a Legacy Health employee, or employees, took pictures of Mr. Thompson's remains and shared them electronically with an individual, or individuals, not involved in Mr. Thompson's care. The images were not shared for a medical purpose, but for entertainment and amusement, and the taking and/or dissemination of the images plainly violated Seth Robert Thompson's family's constitutional rights to control the images of their loved ones' remains.

7. Plaintiffs Linda Stricker and Steve Thompson bring this action because they feel ill at the thought of Legacy Health employees, and others, gawking at gratuitous images of their deceased child, and they live in fear that one day they will confront these images online. This fear and emotional distress have added an unbearable layer to an already unfathomable loss.

8. In taking and distributing these photos, Defendant Legacy Health and its employee(s) have chosen to act reprehensibly and this lawsuit seeks to impose accountability for that indefensible conduct.

## **FIRST CAUSE OF ACTION**

### **Invasion of Privacy**

#### **(Against All Defendants)**

9. Plaintiffs incorporate herein and reallege the allegations in paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. Plaintiffs have a privacy interest in the physical remains of their son Seth Robert Thompson.

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1 11. Upon information and belief, an employee or employees of Defendant Legacy  
2 Health took and disclosed photos of Seth Robert Thompson's remains to at least one person and  
3 likely many others, either directly or indirectly via viral transmission.

4 12. Sharing photos of trauma patients' physical remains without any legitimate  
5 medical purpose is offensive and objectionable to a reasonable person of ordinary sensibilities.

6 13. At the time the Defendant Legacy Health employee(s) shared the photos of Seth  
7 Robert Thompson's remains, no photos of his remains had otherwise been made public, and  
8 details about the state of Mr. Thompson's remains were not public knowledge. Sharing the  
9 graphic facts disclosed by the photos served no legitimate public purpose.

10 14. As a direct and proximate result of the conduct of Legacy Health and its  
11 employee(s), Plaintiffs have and/or will suffer emotional distress in an amount to be proven at  
12 trial.

13 15. In committing the acts alleged herein, Legacy Health and its employee(s), and  
14 each of them, are guilty of oppression, fraud, and/or malice entitling Plaintiffs to punitive or  
15 exemplary damages in an amount appropriate to punish them and to make an example of them to  
16 the community.

17  
18 **SECOND CAUSE OF ACTION**

19 **Negligence**

20 **(Against All Defendants)**

21 16. Plaintiffs incorporate herein and reallege the allegations in paragraphs 1 through  
22 15, inclusive, as if fully set forth herein.

23 17. Defendant Legacy Health and its employees owed a duty to Plaintiffs to use  
24 ordinary care in preventing the taking and/or the dissemination of any images of Seth Robert  
25 Thompson's remains once the images were created and/or were within their possession.

26 18. Defendant Legacy Health and its employees breached their duties by taking and/or  
27 sharing photos of Seth Robert Thompson. Defendant Legacy Health and its employees knew or  
28 should have foreseen that this conduct would injure Plaintiffs.

19. As a direct and proximate result of the conduct of Legacy Health and its employee(s), Plaintiffs have and/or will suffer emotional distress in an amount to be proven at trial.

20. Defendant Legacy Health is liable for injuries proximately caused by acts or omissions of its employees within the scope of their employment. At all times material, the employee(s) who took and/or shared photos of Seth Robert Thompson's remains for personal, non-medical purposes were employed by Defendant Legacy Health and were under its direction and control when they engaged in this conduct. The employee(s) were able to take photos of Seth Robert Thompson's remains by virtue of their access to Seth Robert Thompson's remains after he was transported to Legacy Medical Center for care and treatment.

### **THIRD CAUSE OF ACTION**

#### **Negligent Hiring, Retention, and Supervision**

##### **(Against Defendant Legacy Health)**

21. Plaintiffs incorporate herein and reallege the allegations in paragraphs 1 through 20, inclusive, as if fully set forth herein.

22. At all relevant times, Defendant Legacy Health was and is fully aware that under State and Federal law, each patient and his/her family have rights to privacy which protect them from the unauthorized taking and sharing of photographs depicting patients, their injuries, and their medical condition.

23. Defendant Legacy Health had a duty to hire employees who were well trained, properly instructed, and supervised on the protection and preservation of State and Federal rights to privacy, and on the absolute prohibition from taking and sharing unauthorized photographs of those patients who have died at, near, or on the premises of Legacy Medical Center.

24. Defendant Legacy Health failed, neglected and refused to hire, screen, train, instruct and/or supervise its employees in the protection and preservation of those State and Federal rights to privacy, and further failed to hire, screen, train, instruct, and/or supervise its employees on the absolute prohibition from taking and sharing unauthorized photographs of those patients who have died at, near, or on the premises of Legacy Medical Center.

25. As a direct and proximate result of Defendant Legacy Health's omissions and failures, Plaintiffs have and/or will suffer emotional distress in an amount to be proven at trial.

26. In committing the acts alleged herein, Defendant Legacy Health is guilty of oppression, fraud, and/or malice entitling Plaintiffs to punitive or exemplary damages in an amount appropriate to punish Legacy Health and make an example of it to the community.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray for the following relief:

1. For compensatory damages in an amount to be proven at trial;
2. For any additional general, specific, consequential, or incidental damages in an amount to be proven at trial;
3. For nominal damages;
4. For punitive damages against Legacy Health and its employee(s), who took and distributed the photos in an amount appropriate to punish them and make an example of them to the community;
5. For an award providing for attorneys' fees and case costs to the extent allowable by law;
6. For all interest, as permitted by law; and
7. For such other relief as the Court deems just and proper.

DATED: May 19, 2023

MICHAEL WISE & ASSOCIATES, PC


By:   
MICHAEL WISE  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs Linda Stricker and Steve Thompson hereby demand a trial by jury on all issues so triable.

DATED: May 19, 2023

MICHAEL WISE & ASSOCIATES, PC

By:   
MICHAEL WISE  
Attorneys for Plaintiffs